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NATIONAL DEMOCRAT--EXTRA

PROCLAMATION.

TO THE PEOPLE OF KANSAS.

LECOMPTON, Oct. 19, 1857.

By the 32nd Section of the Organic Act establishing this territorial government, it is provided in reference to the election of a delegate to Congress, that "the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly."

By the 16th Section of the act of the Territorial Legislature of Kansas, entitled "an act to regulate elections," it is made the duty of the Secretary to examine the returns in the presence of the Governor, and to "give to the person having the highest number of votes in their respective districts, certificates of their election to the Legislative Assembly."

Under these two provisions of the laws prevailing in this territory, the recent general election has presented for the joint consideration of the Governor and Secretary, a question of the gravest importance, not only to our own people, but also to those of the whole Union. This question arises upon the extraordinary returns made from the precinct of Oxford in the county of Johnson. What purport to be the returns of the election held at that precinct on the 5th and 6th inst. have been received by the Secretary, containing sixteen hundred and twenty-eight names of pretended voters, or nearly one-half the number given in the whole Representative District. The disposition to be made of this supposed vote is rendered all important by the fact, that the political character of the Legislative Assembly will be controlled by the addition of three Councilmen and eight Representatives to the strength of one party or the other, according to the adoption or rejection of the returns in question.

In point of fact, it is well known, that even the whole County of Johnson, comprising, as it does, part of an Indian reserve, which, upon examination of the law, we find is not yet subject to settlement or pre-emption, can give no such vote as that which is represented to have been polled at this inconsiderable precinct of Oxford. But while this unofficial knowledge, well established and universal as it may be, could not become the ground of decision and action upon election returns, in themselves regular and authentic, the legitimate effect of an apparent enormity, such as that in question, would necessarily be to induce a close examination of the paper presented, and to require for its acceptance a perfect compliance with all the essential provisions of the law. Such an examination of this document, conscientiously and impartially made, has brought us to the conclusion that the returns from Oxford precinct in Johnson County must be wholly rejected for the following reasons:

1st. It does not appear on the face of the document presented to us, or in any other manner, that the Judges of Election took the oath imperatively required by the statute, to secure the "impartial discharge of their duties according to law."

2nd It does not appear that the paper presented to us was one of the two original poll-books kept at the election, as required by law; but, on the contrary, it does appear, from unmistakeable internal evidence, that the paper is either a copy of some other document, or has been made up for the occasion, and is not the genuine record of the votes taken at the election.—The law requires one of the poll-books to be returned to the Secretary, the other to be deposited with the Clerk of the Board of Commissioners of the proper County.

3d. As the vote of each elector was to be recorded for each one of twenty-two candidates, and in more than a hundred cases, for, twenty-five, and that by a *viva voce* vote, it was a physical impossibility that the number of votes pretended to have been taken on the second day, being more than fifteen hundred, with the name of the voter written, and each of twenty-two candidates properly designated, could have been taken and recorded within the time prescribed by law.

4th. It is an extraordinary fact, tending to throw distrust upon the whole proceeding, that of the sixteen hundred and twenty-eight votes, only one is given to the delegate elect to Congress; and only one hundred and twenty-four are recorded as having been cast for the local candidates of the township.

Influenced by these considerations, and impressed with the grave responsibility resting upon us in regard to the fairness of the election, and its freedom from all fraud susceptible of detection and prevention within the scope of our duties, we deemed it essential to truth and justice that we should ascertain every fact calculated to refute or confirm the conclusions derived from the face of the papers. Accordingly we went to the precinct of Oxford, (which is a village with six houses, including stores and without a tavern,) and ascertained from the citizens of that vicinity, and especially those of the handsome adjacent village of New Santa Fe in Missouri, (separated only by a street and containing about twenty houses,) that altogether not more than one-tenth the number of persons represented to have voted, were present on the two days of the election, much the smaller number, not exceeding thirty or forty, being present on the last day, when more than fifteen hundred votes are represented as having been given. The people of Oxford, as well as those of the neighboring village of Santa Fe, were astounded at the magnitude of the return; and all persons of all parties, in both places, treated the whole affair with derision or indignation, not having heard the alleged result until several days after it had occurred.

In the course of our journey to and from Oxford, we passed over much the larger part of the County of Johnson, and we became thoroughly satisfied that there is no population in the whole county from which more than one-third the vote of that single precinct could have been given. We learned that some very few persons, having cabins on the Reserve in Johnson County, and claiming a residence therein, though generally absent, had voted at some of the precincts in that county; but we are convinced that but a very inconsiderable number, not reaching, we believe, one hundred of Missourians or other persons having no admitted right to vote, did claim or attempt to exercise that right, any where within that county. The people of Missouri cannot be justly charged with any interference in the late election, nor are they in any degree complicated with the evidently fraudulent returns made from the precinct of Oxford. Those returns, beyond all doubt, are simulated and fictitious.

Under these circumstances, we do not feel embarrassed by any technical difficulty, as to our right to go behind the returns.—We hold the returns themselves to be defective in form and in substance, and therefore inadmissable. We go behind them and inquire into the facts, only for the purpose of ascertaining whether by these valid objections to the more returns, our rejection of them will have the effect of defeating the will of the people, sought to be fairly expressed at the polls. In the event of such consequences, we might hesitate to reject a vote upon any defect of form, however essential in law. But in the present case, we feel ourselves bound to adhere to the very letter of the law, in order to defeat a gross and palpable fraud. The consideration that our own party, by this decision, will lose the majority in the Legislative Assembly, does not make our duty in the premises less solemn and imperative. The elective franchise would be utterly valueless, and free government itself would receive a deadly blow, if so great an outrage as this could be shielded under the cover of mere forms and technicalities. We cannot consent, in any manner, to give the sanction of our respective official positions to such a transaction. Nor can we feel justified to relieve ourselves of the proper responsibility of our offices, in a case where there is no valid return, by submitting the question to the Legislative Assembly, and in that very act, giving the parties that might claim to be chosen by this spurious vote, the power to decide upon their own election.

In view of the condition of affairs in Kansas for several years past, of the efforts so long made to put in operation here a revolutionary government, and of the fact that this effort was suspended under the belief that the political difficulties of this territory might at length be fairly adjusted at the polls; if that adjustment should now be defeated and the people deprived of their rightful power under the laws of Congress, by fictitious returns of votes never given, it is our solemn conviction, that the pacification of Kansas, through the exercise of the elective franchise would become impracticable, and that civil war would immediately be recommenced in this territory, extending, we fear, to adjacent states and subjecting the government of the Union to imminent peril.

Because, therefore, the paper now under examination is not one of the original poll books, by law required to be returned, and from the absence of the oath prescribed by the territorial statutes for the judges of election, the returns being thus clearly invalid and as we believe fictitious and simulated, we have under the circumstances no alternative but to reject the whole return from the Oxford precinct, and to give the certificates to those who appear to have been elected by virtue of the other regular returns.

R. J. WALKER,
Governor of Kansas Territory.
FRED. P. STANTON,
Secretary.